

- ✓ = Ordinances and Resolutions approved and marked with the official ordinance or resolution number at the beginning of each item.
- = Ordinances and Resolutions removed from the docket.
- ⊗ = Failed to Pass
- = Ordinances and Resolutions that were given first reading and are scheduled to get second reading at the next Council Meeting.

**DOCKET-REGULAR MEETING-LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT COUNCIL MEETING**

July 6, 2006 – 7:00 P.M.

- I. ROLL CALL
- II. INVOCATION
- III. PRESENTATIONS

Jack Kelly, FEI 2010 Games CEO

Robin Thomas, Certificate of Appreciation

Greta Lepa, Honorary Citizen

Social Services Accreditation Commemoration

- IV. MINUTES OF PREVIOUS MEETINGS

June 8 and 20, 2006

- V. ORDINANCES

SECOND READING

- ✓ 195-2006 – An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for 0.52 net (0.87 gross) acre of property located at 2202-2214 Coburn Blvd. (St. Ann Properties, LLC)
- ✓ 196-2006 – An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone for 0.4823 net (0.5305 gross) acre of property located at 372 and 372 ½ Glen Arvin Avenue, subject to certain density restrictions imposed as a condition of granting the zone change. (Faith Community Housing Foundation, Inc.)
- ✓ 197-2006 – An Ordinance amending Article 8-2(d) of the Zoning Ordinance so as to allow conditional uses larger than 10,000 square feet in the Agricultural Buffer (A-B) zone, when the Agricultural Buffer (A-B) zone is adjacent to a county boundary, the property is a minimum of ten acres and is located with frontage on a state highway.
- amending subsection (10) of Section 14-72 of the Code of Ordinances to provide that an animal causes a noise disturbance when it emits a sound of such character, intensity and duration as to disturb the peace and quiet of the neighborhood and provide that a dog shall be deemed to have caused a per se noise violation if it barks or makes other noise continuously or incessantly for a period of five minutes or intermittently for a period of ten minutes; and, amending Section 14-80 of the Code to provide for forfeiture of the offending dog upon a conviction of a fourth noise violation offense within a twelve-month period.

- ✓ 199-2006 – An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$96,000.00 Federal funds, are for the purchase of four additional 12-passenger vans for the LexVan VanPool Leasing Program, the acceptance of which obligates the Urban County Government for the expenditure of \$24,000.00 as a local match, appropriating funds pursuant to FY 2007, Schedule No. 20, and authorizing the Mayor to transfer unencumbered funds within the grant budget.
- ✓ 200-2006 – An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2007 Schedule No. 21.
- ✓ 201-2006 – An Ordinance authorizing the Mayor to execute Change Order No. 1 to the contract with Parsons, Brinckerhoff, Quade & Douglas, Inc., for engineering services for Glendover West Stormwater Improvement Project, increasing the contract price by the sum of \$55,000.00 from \$58,426.05 to \$113,426.05, and appropriating funds pursuant to Schedule No. 22.
- ✓ 202-2006 – An Ordinance amending Section 21-5 of the Code of Ordinances abolishing the position titles of Communications Officer-Apprentice, Grade 110N, and Communications Officer Senior-Apprentice, Grade 112N, in the Div. of Police; abolishing one (1) vacant position of Communications Officer Senior, Grade 113N, in the Div. of Fire; creating one (1) position of Communications Officer, Grade 111N, in the Div. of Police; transferring thirty-one (31) positions of Communications Officer, Grade 111N, and the incumbents, from the Div. of Police to the Div. of Enhanced 911; transferring ten (10) positions of Communications Officer Senior, Grade 113N, and the incumbents, and one (1) vacant position of Communications Officer Senior, Grade 113N, from the Div. of Fire to the Div. of Enhanced 911; transferring twenty-four (24) positions of Communications Officer Senior, Grade 113N, and the incumbents from the Div. of Police to the Div. of Enhanced 911; transferring three (3) vacant positions of Communications Shift Manager, Grade 116E, from the Div. of Police to the Div. of Enhanced 911; transferring four (4) positions of Communications Shift Manager, Grade 116E, and the incumbents, from the Div. of Police to the Div. of Enhanced 911; transferring four (4) positions of Communications Shift Manager, Grade 116E, and the incumbents, from the Div. of Fire to the Div. of Enhanced 911; transferring one (1) position of Communications Manager, Grade 117E, and the incumbent, from the Div. of Fire to the Div. of Enhanced 911; transferring two (2) positions of Communications Officer – P/T, Grade 111N, and the incumbents, from the Div. of Police to the Div. of Enhanced 911; changing the position title and the title of the incumbents from Communications Officer – P/T, to Telecommunicator – P/T, in the Div. of Enhanced 911; changing the position title and the title of the incumbents from Communications Officer to Telecommunicator in the Div. of Enhanced 911; changing the position title and the title of the incumbents from Communications Officer Senior to Telecommunicator Senior, in the Div. of Enhanced 911; changing the position title and the title of the incumbents from Communications Shift Manager to Telecommunicator Supervisor, in the Div. of Enhanced 911; and changing the position title and title of the incumbents from Communications Manager to Public Safety Answering Point (PSAP) Manager in the Div. of Enhanced 911; all to become effective June 26, 2006.
- ✓ 203-2006 – An Ordinance amending Sections 21-25, 22-22, 22-5, 22-53.2, and 23-28 of the Code of Ordinances providing a two and four tenths percent (2.4%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, and traffic school guards, and a two and four tenths percent (2.4%) increase to the maximum of the pay range of Program Assistant – P/T, providing that all classified and unclassified civil service employees, except seasonal employees in Account 332, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a three and eight tenths percent (3.8%); amending Section 23-28 of the Code of Ordinances replacing the existing salary structure for sworn bargaining unit employees within the Div. of Fire (Firefighter, Lieutenant, Captain, and Major) and the Div. of Police (Officer,

Sergeant, Lieutenant, Captain); allowing non-bargaining unit appointed sworn positions in the Div. of Police and the Div. of Fire to receive the same compensation as bargaining unit employees, including benefits; and modifying the existing step structure for the positions of Fire Battalion Chief, Grade 319E, Police Chief, Grade 324E, and Fire Chief, Grade 324E; increasing the salary by three and eight tenths percent (3.8%) of one (1) position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one position of ABC Administrator – P/T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk – P/T, Grade 000, within the Dept. of Law, three (3) positions of Skilled Trade Worker – P/T, Grade 000, within the Div. of Community Corrections, and one (1) position of Park Patrol Coordinator – P/T, Grade 000, and thirty (30) positions of Park Patrol Officer – P/T, Grade 000, within the Div. of Parks, all to become effective June 26, 2006.

- ⊗ amending Article 8-1(b) of the Zoning Ordinance so as to allow churches and Sunday schools larger than the current 10,000 square foot maximum as a principal use in the Agricultural Rural (A-R) zone, provided that the property is located with frontage on a four-lane highway and has access to sanitary sewer, requiring a minimum twenty-five percent open space and a minimum fifty foot building setback, and establishing a minimum fifty foot set back, screening and landscape requirements for all parking areas. **DISAPPROVAL 11-0 OBJECTORS PUBLIC HEARING 8:00 P.M.**

FIRST READING

- accepting the bid of D. C. Byers Co./Ohio, Inc. in the amount of \$1,127,795.00, for restoration of Phoenix and Victorian Square Parking Garages, for the Dept. of General Services and appropriating funds pursuant to FY 2007 Schedule No. 31. (5)
- amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 29.
- authorizing the Mayor to accept a donation of \$600.00 from Chapel Hill Presbyterian Church, for the Gainesway Community Empowerment Center to use for summer activities, and appropriating funds pursuant to FY 2007 Schedule No. 23.
- authorizing the Mayor to accept a donation of \$120.00 from the Fayette County Board of Education, for the Gainesway Community Empowerment Center to use for summer activities, and appropriating funds pursuant to FY 2007 Schedule No. 24.
- authorizing the Mayor to accept a donation of \$5,000.00 from LexLinc, for the Gainesway Community Empowerment Center to fund the Citizens Leadership Academy, and appropriating funds pursuant to FY 2007 Schedule No. 25.
- authorizing the Mayor to accept a Grant from the Ky. Dept. of Juvenile Justice, which grant funds are in the amount of \$275,846.00 (FY 2007) and \$275,846.00 (FY 2008) Commonwealth of Ky. funds are for implementation of the Community Juvenile Justice Partnership Grant Program for fiscal years 2007 and 2008, for the Partners for Youth Foundation, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and further authorizing the Mayor to execute Agreements for services under the Program for FY 2007 with Bluegrass Regional Mental Health – Mental Retardation Board, Inc., for the Dixie Elementary School Project (\$54,000.00), the Board of Education of Fayette County, Kentucky, for the Booker T. Washington Prevention Project (\$60,000.00), the Partners for Youth Foundation for Program Coordination (\$49,700.00), and Croney and Clark for the Pro-Social Education and Community Engagement (PEACE) Project at Deep Springs Elementary School (\$35,000.00) and the Truancy Reduction Initiative (\$53,550.00), at a cost not to exceed \$252,250.00, appropriating funds pursuant to FY 2007 Schedule No. 27, and authorizing the Mayor to transfer unencumbered funds within the grant budget.
- authorizing the Mayor to accept a Grant from the Ky. Dept. of Juvenile Justice,

which grant funds are in the amount of \$80,000.00 (\$40,000.00 FY 2007 and \$40,000.00 FY 2008) Commonwealth of Ky. funds, are for the Brenda D. Cowan Center to continue operation of the Transition Plus Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 28, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

- approving and adopting the program amendment for use of Community Development Block Grant funds in the 2004 Consolidated Plan to establish a new project that includes the acquisition of properties and relocation of residents on Ann Street for the purposes of constructing an extended Shropshire Boulevard as part of the Bluegrass Aspendale Revitalization Project (\$200,000.00), appropriating funds pursuant to Schedule No. 32, and authorizing the Mayor to transfer unencumbered funds with the grant budget.
- authorizing the Mayor to execute an Agreement with the Board of Education of Fayette County, Ky. for the provision of services under the 21st Century Community Learning Center Program, at a cost not to exceed \$99,906.00, and appropriating funds pursuant to FY 2007 Schedule No. 26.
- authorizing the Mayor to execute a Contract to Purchase with Ben Wade and Mary Jo Crawford, for the property located at 3010 Evans Mill Road, at a cost not to exceed \$1,715,000.00, and appropriating funds pursuant to Schedule No. 30.

WALK-ON

- ✓ 198-2006 - An Ordinance amending Section 23-5 of the Code Of Ordinances creating two (2) positions of Police Captain, Grade 318E, in the Division of Police, to become effective July 10, 2006.

VI. RESOLUTIONS

SECOND READING

- ✓ 426-2006 – A Resolution authorizing the Mayor to execute an Option and Ground Lease Agreement with Alaskan Native Broadband 1 License, LLC, for ground equipment space in Veteran's Park associated with collocation on a tower to be constructed by Powertel/Memphis, Inc., at no cost to the Urban County Government.
- ✓ 427-2006 – A Resolution accepting the bids of PlymoVent Corp. in the amount of \$80,250.00 and Clean Air Concept, in the amount of \$8,125.00, for vehicle exhaust removal systems at Station House Numbers 1, 2, and 17, for the Div. of Fire. (3)
- ✓ 428-2006 – A Resolution accepting the bid of Tim Garnett LLC, in the amount of \$17,680.00, for HVAC installation at the Lou Johnson Community Center, for the Div. of Parks. (3)
- ✓ 429-2006 – A Resolution accepting the bid of Man-O-War Harley-Davidson establishing a price contract for motorcycles, for the Div. of Police. (1)
- ✓ 430-2006 – A Resolution accepting the bid of Detroit Salt Co. establishing a price contract for treated rock salt, for the Div. of Streets, Roads and Forestry. (5)
- ✓ 431-2006 – A Resolution authorizing the Mayor to execute a Professional Services Agreement with Lose & Associates, Inc., for the Hisle Park Master Plan, at a cost not to exceed \$29,225.00.
- authorizing the Mayor to execute Change Order No. 1 to the contract with Red River Ranch, LLC, for the removal and disposal of pond sediment for the Gainesway Retention Basin Retrofit Project, increasing the contract price by the sum of \$100,000.00 from \$189,258.00 to \$289,258.00.
- ✓ 433-2006 – A Resolution adopting an Amended Version of the Procedure on Establishing a Residential Parking Permit Program to add consideration of multi-unit residences for eligibility for permits and to allow the designation of districts less than one block in length, but no less than 500 feet of frontage along the street.
- ✓ 434-2006 – A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice and to provide any additional

information requested in connection with this grant application, which grant funds are in the amount of \$90,000.00 Federal funds, and are for establishment of the Truancy Assessment Center.

- ✓ 435-2006 – A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent storm sewer easement from Larry T. and Thelma L. Shepard, located at 269 Perry Street, for the Perry Street Project, at no cost to the Government.
- ✓ 436-2006 – A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Kyova Electric, Inc., for Cardinal Run Field #8 Sports Lights, increasing the contract price by the sum of \$2,325.00 from \$71,971.84 to \$74,296.84.
- ✓ 437-2006 – A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Howell & Howell Contractors, Inc., for the North Base Roof Replacement in the Div. of Parks, increasing the contract price by the sum of \$1,350.00 from \$62,750.00 to \$64,100.00.
- ✓ 438-2006 – A Resolution authorizing the Mayor to execute an Agreement with Fayette Fiscal Court and Sandra M. Varellas, Fayette County Judge/Executive for the FY 2007 County Road Aid Fund Program for Fayette County.
- ✓ 439-2006 – A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Spectrum Contracting Services, Inc., for renovation, seventh floor of the Phoenix Building, increasing the contract price by the sum of \$23,149.00 from \$149,869.00 to \$173,018.00.

FIRST READING

- providing that the position of Staff to Council II shall receive the same as a two and four-tenths percent (2.4%) structure movement and providing a three and eight-tenths percent (3.8%) increase in salary to those persons holding the position of Staff to Council II who receive a satisfactory score on their performance evaluations, not to exceed the maximum salary range of \$51,200.00, to become effective retroactive to June 26, 2006.
- authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Saron Drive as 25 miles per hour and authorizing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.
- adopting the Floodplain Management Plan for 2006.
- making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for parking garage improvements, computer equipment, and an animal control shelter building in the aggregate amount of \$1,737,930.00.
- authorizing the Mayor to execute Change Orders to the contract with D. C. Byers, in the amount of \$1,127,795.00, for restoration of Phoenix Garage and Victorian Square Garage, provided: budgeted funds are available for such change orders; the cumulative total for all project change orders does not exceed \$55,000.00; no individual change order shall exceed \$12,500.00; no change order has the effect of significantly changing the scope of the contract; and notice of each change order so executed shall be furnished to the Urban County Council.
- authorizing the Mayor to execute a Lease Agreement with Lexington Youth Soccer Association, for 44 acres at Cardinal Run Park North, to build and maintain a soccer complex, at no cost to the Urban County Government.
- authorizing the Mayor to execute an Expansion Area Development Exaction Agreement with Providence Business Center, LLC pursuant to Article 23 of the Zoning Ordinance setting out the type and cost of system improvements constructed by the developer in Expansion Area 3 and adjoining off-site area, the amount of exaction credits earned, use for the exaction credits and amount of repayment to the developer from the Development Exaction Fund.
- authorizing the Mayor to execute a Memorandum of Agreement with Lexington-Fayette Urban County Airport Board, for building and maintaining an obstacle

course on approximately 10 acres of airport premises, at no cost to the Urban County Government.

- authorizing the Mayor to execute the Agreements with Belleau Wood Neighborhood Association, Inc. (\$850.00), Lansdowne Neighborhood Association, Inc. (\$5,189.00), Palomar Hills Community Association, Inc. (\$5,000.00), Headley-Whitney Museum, Inc. (\$2,000.00), Hartland Homeowners Association, Inc. (\$8,000.00), Waterford Homeowners Association, Inc. (\$6,500.00), Charleston Woods Homeowners Association, Inc. (\$6,700.00) for various public projects for the Office of the Urban County Council, at a cost not to exceed the sums stated.
- amending Resolution No. 364-2006 to decrease the allocation of Neighborhood Development funds to the Howe Charities, Inc. from \$850.00 to \$650.00.
- amending Resolution No. 361-2006 to decrease the allocation of Neighborhood Development funds to Fayette County 4-H Council, Inc. from \$2,800.00 to \$1,000.00.
- authorizing the Mayor to execute Change Order No. One (1) to the contract with P & P Professional Painting, for Carriage House Exterior Painting, increasing the contract price by the sum of \$1,234.00 from \$16,630.00 to \$17,864.00.
- authorizing the Mayor to execute Amendment No. One (1) to the Contract with Quest Engineers, Inc., for engineering services for design of Section One of the Todds Road/Liberty Road Phase I Widening Project, increasing the contract price by the sum of \$119,108.00 from \$776,789.00 to \$895,897.00.
- authorizing the Mayor to execute Change Order No. 9 to the Contract with D. W. Wilburn, Inc., for the Day Treatment Facility, decreasing the contract price by the sum of \$607.00 from \$4,154,138.93 to \$4,153,531.93.
- ✓ 432-2006 – A Resolution ratifying the probationary civil service appointments of: Alvaro Polanco, Building Inspector, Grade 113N, \$19.156 hourly, in the Div. of Building Inspection, effective June 26, 2006, Sonya Taylor, Equipment Operator Sr., Grade 109N, \$13.197 hourly, in the Div. of Solid Waste, effective June 26, 2006, Paul L. Smith, Public Service Worker, Grade 106N, \$11.041 hourly, in the Div. of Fleet Services, effective June 19, 2006, Ronald Ellis, Skilled Trades Worker Sr., Grade 112N, \$21.922 hourly, in the Div. of Parks, effective July 10, 2006, Albert Mason, Traffic Information Technician, Grade 112E, \$1,753.74 bi-weekly, in the Div. of Traffic Engineering, effective June 26, 2006, David Templar, Engineering Technician Sr., Grade 113N, \$15.700 hourly, in the Div. of Traffic Engineering, effective July 24, 2006, Michelle Castellani, Kenneth Wilson, Cathy Lazarin, Don Salchli, Linda Migglebrink, Natesha Smith, Randy Adams, Monty Corbett, Michael Young, Valerie Clayburn, Bill DeWitt, Joshua Roberts, Mark Evans, Joquetta Leach-McCord, Jason Adams, Ashley Mudd, Jessica Gillis, Precious Robertson, Robert Stephens, Christopher Baxter, Keith Mlejnek, Kinsey Henderson, Danius Jackson, Burneard Clark, Yetivia Jacina, Michael Estes, Kenneth Rogers, James Young, Jonathan Branton, Eric Groves, Akilah Kidd, Dean Burgess, Andre Williams, Linda Silva, Timothy Wendling, Russell McFarland and Jessica Story, Community Corrections Officer, Grade 110N, \$12.513 hourly, in the Div. of Community Corrections, effective July 10, 2006; ratifying the permanent civil service appointments of: Robert Jones, Skilled Trades Worker Sr., Grade 112N, in the Div. of Building Maintenance and Construction, effective July 9, 2006, Pete Spencer, Security Officer, Grade 103N, in the Dept. of General Services, effective June 26, 2006, Zhiqiang Yu, Database Administrator, Grade 117E, in the Div. of Computer Services, effective May 28, 2006, Alfred Wingate, Public Service Worker Sr., Grade 107N, in the Div. of Parks, effective June 26, 2006; approving leave of absence for: Melynda Milburn, Staff to Council II, Grade 000E, in the Office of the Urban County Council, requests a 2 day Council approved leave without pay from July 5, 2006 through July 6, 2006, Amir Sadr, Computer System Manager Sr., Grade 120E, in the Div. of Computer Services, requests 10 days Council leave without pay from June 30, 2006 through July 11, 2006.

WALK-ON

- ✓ 440-2006 – A Resolution authorizing the Mayor to execute a Release of Easement, releasing two (2) utility easements and a water line easement on property located on Walnut Hill-Chilesburg Road (Schneider Designs, Inc.).
- authorizing the Mayor to execute the Fifth Amendment to Professional Services Agreement with Patricia K. Howard, for EMS training coordinator services, and authorizing payment in the amount of \$23,700.00, effective retroactive to July 1, 2006.
- ✓ 441-2006 – A Resolution authorizing the Mayor to execute an Agreement with Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, to reimburse the Urban County Government up to \$190,000.00 for construction of bike lanes as part of the Leestown Road Resurfacing improvements.
- amending Resolution No. 68-2006 declaring a moratorium to extend the duration of the moratorium until September 15, 2006 or until the Council takes final action on the downzoning, whichever event occurs first.

VII. COMMUNICATIONS FROM THE MAYOR

1. recommending reappointment of Derek Wingfield to the Board of Architectural Review with a term to expire 7-1-2010.
Also, recommending the appointment of Jack Ballard to the Board of Architectural Review with a term to expire 7-1-2010.
2. recommending the appointment of Kim Thomas, Health Dept. Representative, to the Citizens Corps Council with a term to expire 12-16-2009.
3. recommending the reappointment of Sanford T. Roach to the Housing Authority Board with a term to expire 6-22-2010.
4. recommending the appointment of Darren Duzyk to the Library Board of Advisors with a term to expire 1-1-2010. Mr. Duzyk will fill the unexpired term of Richard Browning.
5. recommending the reappointments of Ralph Coldiron and Larry Smith to the Library Board of Trustees with terms to expire 7-20-2010.
Also, recommending the appointment of Richard Browning to the Library Board of Trustees with a term to expire 7-20-2010.
6. recommending the appointment of Kenya Paris to the One Parent Facility Board with a term to expire 4-1-2009. Ms. Paris will fill the unexpired term of Joyce Gill.
7. recommending the appointment of Jeff Haselwood to the Tree Board with a term to expire 4-19-2007. Mr. Haselwood will fill the unexpired term of Kyle Whalen.

VIII. COMMUNICATIONS FROM THE MAYOR (For Information Only)

1. Resignation of Delsie Stevens, Skilled Trades Worker Sr., Grade 112N, in the Div. of Parks, effective June 2, 2006.
2. Resignation of James Stewart, Public Service Worker, Grade 106N, in the Div. of Parks, effective May 29, 2006.

IX. ANNOUNCEMENTS

X. PUBLIC COMMENT